

0_ Valuation of Security

10_ Assumption of Executory Contract or Unexpired Lease

0_ Lien Avoidance

Last revised: November 14, 2023

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEYIn Re: Elie Valerious

Case No.: 20-22439

Debtor(s)

Judge: JKS

Chapter 13 Plan and Motions

☐ Original☒ Modified/Notice Required☐ Motions Included☐ Modified/No Notice RequiredDate: 12/21/2023THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS WILL BE AFFECTED

The Court issued a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the Chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULTS IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY:☐ 7a / ☐ 7b / ☐ 7 c.☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY, AND SPECIFY: ☐ 7a / ☐ 7b / ☐ 7 c.

Initial Debtor(s)' Attorney: /s/ JR

Initial Debtor: /s/ EV

Initial Co-Debtor: ____

Part 1: Payment and Length of Plan

a. The debtor shall pay to the Chapter 13 Trustee \$2,100.00 monthly for 60 months starting on the first of the month following the filing of the petition. (If tier payments are proposed) : and then \$_____ per month for _____ months; \$_____ per month for _____ months, for a total of 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings☒ Other sources of funding (describe source, amount and date when funds are available):

\$73,760.00 paid into the plan in the first 37 months of the plan.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description: _____

Proposed date for completion: _____

☐ Refinance of real property:

Description: _____

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering real property:

Description: _____

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification. See also Part 4.

☐ If a Creditor filed a claim for arrearages, the arrearages ☐ will / ☐ will not be paid by the Chapter 13 Trustee pending an Order approving sale, refinance, or loan modification of the real property.

e. For debtors filing joint petition:

☐ Debtors propose to have the within Chapter 13 Case jointly administered. If any party objects to joint administration, an objection to confirmation must be timely filed. The objecting party must appear at confirmation to prosecute their objection.

Initial Debtor: _____ Initial Co-Debtor: _____

Part 2: Adequate Protection ☒ None

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor). (Adequate protection payments to be commenced upon order of the Court.)

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s), pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Name of Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
Scura, Wigfield, Heyer, Stevens & Cammarota LLP	Attorney Fee	Amount to be determined by further application to the court

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Name of Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than the full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence

☐ NONE

The Debtor shall pay to the Trustee allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor monthly obligations due after the bankruptcy filing as follows:

Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
Metropolitan Life Insurance Company d/b/a BayView Loan Servicing	20 41st Street Irvington, NJ 07111 Essex County	\$7,025.00	0.00	\$7,025.00	\$2,014.00

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:

☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

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Name of Creditor	Collateral or Type of Debt (identify property and add street address, if applicable)	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor by Trustee	Regular Monthly Payment Direct to Creditor
					Debtor shall pay the regular monthly payment pursuant to the terms of the underlying loan documents unless otherwise ordered.

c. Secured claims to be paid in full through the plan which are excluded from 11 U.S.C. 506:

☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Interest Rate	Amount of Claim	Total to be Paid Through the Plan Including Interest Calculation by Trustee

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments

☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid by Trustee

2.) Where the Debtor retains collateral and completes all Plan payments, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender

☒ NONE

Upon confirmation, the automatic stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 shall be terminated in all respects. The Debtor surrenders the following collateral:

Name of Creditor	Collateral to be Surrendered (identify property and add street address, if applicable)	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan

☒ NONE

The following secured claims are unaffected by the Plan:

Name of Creditor	Collateral (identify property and add street address, if applicable)

g. Secured Claims to be Paid in Full Through the Plan:

☐ NONE

Name of Creditor	Collateral (identify property and add street address, if applicable)	Amount	Interest Rate	Total Amount to be Paid through the plan by Trustee
Santander Consumer	2012 Lexus RX350-V6		N/A	\$11,731.64
PC7, LLC	16-18 41st Street, Irvington, NJ 07111		N/A	\$133,326.90
Township of Irvington	16-18 41st Street, Irvington, NJ 07111		N/A	\$0.00

Part 5: Unsecured Claims☐ NONEa. **Not separately classified** allowed non-priority unsecured claims shall be paid:☐ Not less than \$_____ to be distributed *pro rata*☒ Not less than 100% percent☐ *Pro Rata* distribution from any remaining fundsb. **Separately classified unsecured** claims shall be treated as follows:

Name of Creditor	Basis of Separate Classification	Treatment	Amount to be Paid by Trustee

Part 6: Executory Contracts and Unexpired Leases☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Name Creditor	Arrears to be Cured and paid by Trustee	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment to be Paid Directly to Creditor by Debtor
Abelino Cantu	N/A	Rental Lease	Assume	\$0.00
Angelica Cantu	N/A	Rental Lease	Assume	\$0.00
Carol Auguste	N/A	Rental Lease	Assume	\$0.00
Isaac Domingo	N/A	Rental Lease	Assume	\$0.00
Junette Apollon	N/A	Rental Lease	Assume	\$0.00
Lucos De La Cruz	N/A	Rental Lease	Assume	\$0.00
Marie Rose Nadel	N/A	Rental Lease	Assume	\$0.00
Maura Flores	N/A	Rental Lease	Assume	\$0.00
Maxi Avanson	N/A	Rental Lease	Assume	\$0.00
Maxi Chrisnadelle	N/A	Rental Lease	Assume	\$0.00

Part 7: Motions ☒ NONENOTE: All plans containing motions must be served on all affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.a. **Motion to Avoid Liens Under 11. U.S.C. Section 522(f).** ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Name of Creditor	Nature of Collateral (identify property and add street address, if applicable)	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. **Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**☒

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Name of Creditor	Collateral (identify property and add street address, if applicable)	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

d. Where the Debtor retains collateral, upon completion of the Plan and issuance of the Discharge, affected Debtor may take all steps necessary to remove of record any lien or portion of any lien discharged.

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☒ Upon confirmation

☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

1) Chapter 13 Standing Trustee Fees, upon receipt of funds

2) Other Administrative Claims

3) Secured Claims

4) Lease Arrearages

5) Priority Claims

6) General Unsecured Claims

d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 09/01/2022

Explain below **why** the plan is being modified:

To remove refinance language

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s):

Non-Standard Provisions:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.



The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, Chapter 13 Plan and Motions.

I certify under penalty of perjury that the above is true.

Date: 12/21/2023

/s/ Elie Valerious

Debtor

Date: 12/21/2023

/s/

Joint Debtor

Date: 12/21/2023

/s/ Jamal Romero

Attorney for the Debtor

In re:
Elie Valerius
Debtor

Case No. 20-22439-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2
Date Rcvd: Jan 03, 2024

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 18

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 05, 2024:

Recip ID	Recipient Name and Address
db	+ Elie Valerius, 20 41st. St., Irvington, NJ 07111-1255
519893809	+ Nationstar Mortgage LLC as servicer for Metropolit, Gross Polowy LLC, 1775 Wehrle Drive, Suite 100, Williamsville NY 14221-7093

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	+ Email/Text: ecfbnc@aldridgepите.com	Jan 03 2024 20:48:00	Aldridge Pite LLP, Attn: Bryan S. Fairman, 4375 Jutland Drive, Suite 200, PO Box 17933, San Diego, CA 92177-7921
smg	Email/Text: usanj.njbankr@usdoj.gov	Jan 03 2024 20:48:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreregion03.ne.ecf@usdoj.gov	Jan 03 2024 20:48:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
cr	+ Email/Text: RASEBN@raslg.com	Jan 03 2024 20:47:00	Nationstar Mortgage LLC, RAS Crane & Partners, PLLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461
cr	+ Email/PDF: rmscedi@recoverycorp.com	Jan 03 2024 20:55:05	Orion, c/o PRA Receivables Management LLC, POB 41021, Norfolk, VA 23541-1021
519014802	+ Email/Text: BKMailBayview@bayviewloanservicing.com	Jan 03 2024 20:47:00	Bayview Financial Loan, Attn: Bankruptcy Dept, 4425 Ponce De Leon Blvd. 5th Floor, Coral Gables, FL 33146-1873
519070607	+ Email/Text: nsm_bk_notices@mrcooper.com	Jan 03 2024 20:48:00	Community Loan Servicing, LLC, f/k/a Bayview Loan Servicing, LLC, 4425 Ponce De Leon Blvd., 5th Floor, Coral Gables, FL 33146-1839
519014803	+ Email/Text: bknotice@ercbpo.com	Jan 03 2024 20:48:00	ERC/Enhanced Recovery Corp, Attn: Bankruptcy, Po Box 57547, Jacksonville, FL 32241-7547
519685477	Email/Text: nsm_bk_notices@mrcooper.com	Jan 03 2024 20:48:00	Nationstar Mortgage LLC, PO Box 619096, Dallas, TX 75261-9741
519685478	Email/Text: nsm_bk_notices@mrcooper.com	Jan 03 2024 20:48:00	Nationstar Mortgage LLC, PO Box 619096, Dallas, TX 75261-9741, Nationstar Mortgage LLC, PO Box 619096, Dallas, TX 75261-9741
519015729	+ Email/PDF: rmscedi@recoverycorp.com	Jan 03 2024 21:06:32	Orion, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
519023055	+ Email/Text: enotifications@santanderconsumerusa.com	Jan 03 2024 20:48:00	SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284
519014805	+ Email/Text: enotifications@santanderconsumerusa.com	Jan 03 2024 20:48:00	Santander Consumer USA, Attn: Bankruptcy, 10-64-38-Fd7 601 Penn St, Reading, PA

District/off: 0312-2
Date Rcvd: Jan 03, 2024

User: admin
Form ID: pdf901

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Total Noticed: 18

519027381	+ Email/PDF: ebn_ais@aisinfo.com	Jan 03 2024 20:56:06	19601-3544 T Mobile/T-Mobile USA Inc, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
519014806	+ Email/Text: ECMCBKNotices@ecmc.org	Jan 03 2024 20:48:00	U.S. Department of Education, Ecmc/Bankruptcy, Po Box 16408, Saint Paul, MN 55116-0408
519130138	Email/Text: EDBKNotices@ecmc.org	Jan 03 2024 20:47:00	US Department of Education, PO Box 16448, St. Paul, MN 55116-0448
TOTAL: 16			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
519655859		Metropolitan Life
519057328		PC7, LLC
519014807	*+	U.S. Department of Education, Ecmc/Bankruptcy, Po Box 16408, Saint Paul, MN 55116-0408
519014804	##+	Perfection Collection, Attn: Bankruptcy Department, 313 E 1200 S, Suite 102, Orem, UT 84058-6910

TOTAL: 2 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 05, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 21, 2023 at the address(es) listed below:

Name	Email Address
Ashley Pascuzzi	on behalf of Creditor Nationstar Mortgage LLC as servicer for Metropolitan Life Insurance Company ecfnotices@grosspolowy.com
Ashley Pascuzzi	on behalf of Creditor Metropolitan Life Insurance Company ecfnotices@grosspolowy.com
Brian C. Nicholas	on behalf of Creditor Community Loan Servicing LLC, servicer for METROPOLITAN LIFE INSURANCE COMPANY bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com
David L. Stevens	on behalf of Debtor Elie Valerius dstevens@scura.com dstevens@scura.com;ecfbkfilings@scuramealey.com;pevangelista@scura.com;amurphy@scura.com;vmajano@scura.com;jromero@scura.com;spereyra@scura.com;14518@notices.nextchapterbk.com;dwoody@scura.com;sterry@scura.com
David L. Stevens	on behalf of Plaintiff Elie Valerius dstevens@scura.com dstevens@scura.com;ecfbkfilings@scuramealey.com;pevangelista@scura.com;amurphy@scura.com;vmajano@scura.com;jromero@scura.com;spereyra@scura.com;14518@notices.nextchapterbk.com;dwoody@scura.com;sterry@scura.com
Denise E. Carlon	on behalf of Creditor Community Loan Servicing LLC, servicer for METROPOLITAN LIFE INSURANCE COMPANY

District/off: 0312-2

User: admin

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Date Rcvd: Jan 03, 2024

Form ID: pdf901

Total Noticed: 18

dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Denise E. Carlon

on behalf of Creditor Metropolitan Life Insurance Company dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com

Gary C. Zeitz

on behalf of Creditor PC7 LLC gzeitz@zeitzlawfirm.com, rzeitz@zeitzlawfirm.com;cdillon@zeitzlawfirm.com

Harold N. Kaplan

on behalf of Creditor Metropolitan Life hkaplan@rasnj.com kimwilson@raslg.com

Jamal J Romero

on behalf of Debtor Elie Valerius jromero@scura.com
dstevens@scura.com;ecfbkfilings@scuramealey.com;vmajano@scura.com;spereyra@scura.com;14799@notices.nextchapterbk.co
m;sterry@scura.com

Linda S. Fossi

on behalf of Creditor PC7 LLC lfossi@zeitzlawfirm.com,
gzeitz@zeitzlawfirm.com;cdillon@zeitzlawfirm.com;rzeitz@zeitzlawfirm.com

Marie-Ann Greenberg

magecf@magtrustee.com

Roshni R. Shah

on behalf of Debtor Elie Valerius rshah@scura.com
dstevens@scura.com;ecfbkfilings@scuramealey.com;vmajano@scura.com;jromero@scura.com;sduarte@scura.com;14800@notic
es.nextchapterbk.com;spereyra@scura.com

Sindi Mncina

on behalf of Creditor Nationstar Mortgage LLC smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15